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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff(s),

v.

JASON ANDRE,

Defendant(s).

2:11-CR-374 JCM (CWH)

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**ORDER**

Presently before the court is the matter of *The United States of America v. Jason Andre*, case number 2:11-cr-374-JCM-CWH.

On October 9, 2012, defendant Jason Andre entered a plea of guilty to counts one and two of the indictment, charging him with being a felon in possession of a firearm, a violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2); and possession of a silencer, a violation of 26 U.S.C. §§ 5861(d) and 5871. (Doc. # 52). On January 10, 2013, this court sentenced the defendant to 87 months per count to run concurrently to be followed by three years supervised release, per count, also to run concurrently. (Doc. # 59). The final judgment was entered on March 5, 2013. (Doc. # 62). The defendant was represented by counsel at both his change of plea and sentencing.

On December 9, 2013, defendant, acting *pro se*, filed a motion to vacate under 28 U.S.C. § 2255. (Doc. # 67). Pursuant to Local Rule IA 10-6(a), “[a] party who has appeared by attorney cannot while so represented appear or act in the case. An attorney who has appeared for a party shall be recognized by the Court and all parties as having control of the client’s case.” As Mr. Kevin Leik

1 and Ms. Melinda Weaver are defendant's counsel of record and have not filed a motion to withdraw,  
2 the defendant may not file motions on his own behalf. *See* Local Rule IA 10-6(a).

3 Defendant has appeared by attorney, and continues to be so represented. Any motions he  
4 seeks this court to consider must be filed by his attorney(s) of record.

5 Accordingly,

6 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that the motion to vacate under  
7 28 U.S.C. § 2255 (doc. # 67) be, and the same hereby is, DENIED without prejudice.

8 DATED January 15, 2014.

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UNITED STATES DISTRICT JUDGE  
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